

REMARKS

Claims 1-17 and 23-24 are pending in the application, have been examined, and stand rejected in the November 4, 2005, Office action. Claims 19-22 are also pending but have been previously withdrawn.

Each of the examined claims have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. patent 5,116,318 to Hillstead, in view of one or more additional U.S. patents.

The undersigned submits that each of the rejected claims is patentable over the cited references at least because claim 1, the sole independent claim, recites “a compliant sheath ... wherein the compliant sheath is transparent.” None of the cited references disclose or suggest this language. As to Yang, U.S. patent 6,544,222, which is cited in conjunction with Hillstead to reject claim 1, while it does show a balloon with transparent sections, see e.g., col 3:1, it does not disclose or suggest a sheath, let alone a transparent sheath that would be placed between a coated stent and an expansion balloon as in claim 1. For at least this reason claim 1 is patentable over the references.

There are other reasons as well. For instance, Hillstead, the primary reference used in the Office action, does not disclose or suggest the use of radiopaque markers or materials. Consequently, there is no basis for the Office action’s conclusion that one of skill in the art would modify Hillstead “with the transparent material of ... Yang ... in order to allow visualization of radiopaque marker bands placed on the catheter shaft.” Still, further, even if there were bands on the catheter shaft of Hillstead, one of skill would be opposed to adding sections of transparent material to the sheath of Hillstead as shown in Yang and argued by the Office action. The purpose of the sheath in Hillstead is to “maintain[] a constant circumferential

pressure force or constriction on the balloon 34 during deflation and subsequent withdrawal.”

See ‘318 patent col. 5:1-4. Modifying the sheath to have different materials with different properties as suggested is, therefore, contrary to this stated purpose because doing so would undermine the ability of the sheath to constrict the deflated balloon when it is withdrawn from an artery of a patient, see ‘318 patent col. 4:20-63. Thus, the suggested combination is improper.

For at least each of these reasons, and without waiving any other argument, the undersigned submits that the claims are patentable over the cited references.

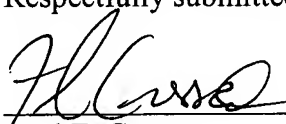
CONCLUSION

For the foregoing reasons, the Applicants respectfully submit that the application is now in condition for allowance, and passage to issuance is respectfully requested.

The Commissioner is authorized to charge any fees due under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayments, to deposit account no. 11-0600. Should any questions arise, the Examiner is invited to contact the undersigned at 202-220-4200.

Respectfully submitted,

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Fred T. Grasso
Reg. No. 43,644

KENYON & KENYON LLP
1500 K Street, N.W.
Washington, D.C. 20005
(202) 220-4225
(202) 220-4201 (fax)